

33-602.901 Video Visitation.

(1) Definitions.

(a) “Approved Visitor” – where used herein and as defined in Rule 33-601.713, F.A.C., refers to any person who is approved by the assigned institutional classification officer, warden, or duty warden to visit an inmate and whose approval is documented in the automated visiting record.

(b) “Automated Visiting Record” (AVR) – where used herein, refers to a computer subsystem of the Department’s electronic offender database that records visiting information. The AVR is maintained pursuant to Rule 33-601.716, F.A.C.

(c) “Indefinite Suspension” – where used herein, refers to the withdrawal or removal of an inmate’s or individual’s privileges for an unspecified period.

(d) “Kiosk” – where used herein, refers to a stationary electronic device that is used to provide inmates with access to kiosk services.

(e) “Kiosk Services” – where used herein, refers to Department-approved, electronic-based services provided by the vendor through kiosks, including secure mail, communications center access, eCards, video visitation, education/programming activities, videograms, photos, and the ability to browse the media store and access its content.

(f) “Primary Violation” – where used herein, refers to any violation for which the maximum penalty is up to an indefinite suspension of privileges.

(g) “Secondary Violation” – where used herein, refers to any violation for which the maximum penalty that can be imposed is less than or equal a 180-day suspension of privileges.

(h) “Suspension” – where used herein, refers to the withdrawal or removal of an inmate’s or individual’s privileges for a specified period.

(i) “User Account” – where used herein, refers to the account established by the vendor with each inmate who possesses a tablet that provides secure access to kiosk services, tablet services, purchased content, and the inmate’s media account. The term also refers to the account created by the vendor that is used by a correspondent or approved visitor to interact with the inmate.

(j) “Vendor” – where used herein, refers to the contracted vendor who provides kiosks, tablets, kiosk services, and tablet services for use by inmates and those who communicate with them.

(k) “Video Visitation” – where used herein, refers to a monitored and recorded real-time virtual visitation session provided as a kiosk service between an inmate and an approved visitor, where the approved visitor is located at a location other than the location of the inmate.

(2) Video visitation is a privilege and not a right afforded to inmates or approved visitors.

(3) Video visitation is available to inmates and approved visitors at a cost established by the vendor in its contract with the Department.

(4) All inmates and approved visitors are subject to state law, federal law, and Department rules while participating in video visitation.

(5) The warden, assistant warden, duty warden, or assigned Department or vendor monitoring staff is authorized to deny or terminate a video visit if the visit in any way violates state law, federal law, or Department rule. Any such violation will subject an inmate to disciplinary action and suspension of video visitation privileges and will subject an approved visitor to suspension or termination of his or her video visitation privileges.

(6) The Department is not responsible for technical issues that impact kiosk availability or video visitation functionality.

(7) Eligibility.

(a) Inmates are permitted to participate in video visitation with approved visitors who are not in a suspended status as recorded on the inmate’s AVR.

(b) Except as otherwise stated herein, inmates whose visitation privileges are not suspended pursuant to Rule 33-601.731, F.A.C., including those inmates placed in non-contact visiting status pursuant to Rule 33-601.735, F.A.C., are eligible to participate in video visitation.

(c) Inmates and approved visitors whose visiting privileges have been suspended pursuant to Rule 33-601.731, F.A.C., are not eligible to participate in video visitation unless otherwise authorized by the warden or designee.

(d) During the initial reception period, an inmate awaiting transfer to his or her permanent facility is not eligible to participate in video visitation.

(e) Youthful offenders participating in the Basic Training Program describe in Rule 33-601.237, F.A.C., are not permitted

access to video visitation.

(f) Inmates in administrative confinement, protective management, disciplinary confinement, close management, maximum management, and death row status are eligible to participate in video visitation as set forth in Rules 33-602.220, 33-602.221, 33-602.222, 33-601.800, 33-601.820, and 33-601.830, F.A.C., respectively.

(g) Unless otherwise contraindicated for security or clinical reasons, an inmate housed in an inpatient mental health unit or a correctional mental health treatment facility will have access to video visitation privileges in accordance with Rule 33-404.102, F.A.C.

(h) Use of the video visitation system is open to all eligible individuals eighteen years of age or older who are not restricted or suspended from contacting or being contacted by a given inmate by statute, rule, procedure, court order, or conditions of supervision. Approved minors as defined in Rule 33-601.713, F.A.C., are permitted to participate in video visitation only under the supervision of an eligible visitor, provided the inmate participating in the video visit is not restricted or suspended from contacting or being contacted by any minor by statute, rule, procedure, court order, or conditions of supervision.

(i) An individual seventeen years old or younger who cannot furnish proof of emancipation must be supervised during a video visit by an authorized parent, legal guardian, or authorized adult as defined in Rule 33-601.713, F.A.C., and must remain under the supervision of that person at all times during the video visitation session.

(j) An inmate is not authorized to participate in video visitation with any person seventeen years of age or younger if the inmate is subject to visitation restrictions pursuant to Rule 33-601.720, F.A.C.

(k) Falsification of any visitor information provided to the Department will result in an individual being subject to having his or her video visitation privileges suspended pursuant to subsection (13) of this rule.

(8) Scheduling.

(a) Video visitation sessions can only be scheduled by approved visitors. Sessions must be scheduled in advance through the approved visitor's user account.

(b) Unless otherwise stated in Rule 33-602.900, F.A.C., an inmate will be allowed to access kiosk services in his or her assigned housing unit from 8:00 a.m. until 11:00 p.m. each day, excluding times related to counts, call outs, job assignments, and other required appointments or testing. For security reasons, kiosks designated for inmate use will be rendered inoperable during times when the use of kiosk services would interfere with other institutional activities and during institutional emergencies. The warden will determine the available times during which inmates are allowed to video visit within these parameters while ensuring the maximum availability of video visitation.

(c) Inmates in death row status pursuant to Rule 33-601.830, F.A.C., will only be permitted one scheduled video visitation session per calendar week.

(d) A video visitation session will be limited to fifteen minutes. A one-time, fifteen-minute extension per video visit is permitted if selected during the video visit. The option of an extension is not available for inmates in death row status.

(e) Video visits are scheduled for and assigned to a specific kiosk based on an inmate's housing assignment. The assigned kiosk will reserve the timeslot for the inmate with a scheduled video visit. The kiosk will notify any other inmate that he or she they will be logged off the kiosk due to an upcoming scheduled video visit.

(f) The number of video visits scheduled at any one time at an institution or facility may be limited due to infrastructure issues, available bandwidth, other system limitations, or to promote the safety, security, or good order of the institution or facility.

(9) Accessing the Session.

(a) Each inmate and approved visitor must establish a user account prior to participating in video visitation.

(b) Each approved visitor is responsible for providing and maintaining his or her own equipment and technology to access the video visitation system. Individuals must use equipment and technology with the appropriate capabilities as determined and recommended by the vendor.

(c) A video visit will not be initiated until both the approved visitor and the inmate engage the system within five minutes of the scheduled visitation start time.

(d) Customer support for video visitation will be provided by the vendor.

1. If an inmate identifies an issue with the video visitation system, the inmate must submit a support ticket identifying the issue to the vendor's customer service center through the Communications Center.

2. Approved visitors who experience issues with the vendor's website, mobile application, or any of the services provided by the vendor must contact the vendor's customer service center through the Communications Center for assistance.

3. If a video visit is unable to occur due to an issue affecting the video visitation system, the vendor will credit the approved visitor's account.

(10) Cancelling a Session. A scheduled video visit will be canceled due to any one of the following reasons:

(a) The approved visitor cancels the video visit prior to the time of the scheduled event.

(b) The inmate cancels the video visit prior to the time of the scheduled event.

(c) The approved visitor is suspended or otherwise removed from an approved or authorized status by the Department or the vendor prior to the time of the scheduled event.

(d) The inmate's video visitation privileges are suspended, or his or her video visitation eligibility status is changed due to a change in the inmate's management or housing status prior to the time of the scheduled event.

(e) The Department determines the scheduled video visit presents a threat to institutional security or the safety of any person.

(f) The Department-approved video visitation schedule changes and the scheduled timeslot is no longer available.

(g) The Department cancels a scheduled video visit or temporarily deactivates an inmate's user account upon approval of the warden or designee for any of the following reasons:

1. It is 48-hours or less before an inmate's transfer;

2. It is 48-hours or less before an inmate's outside medical appointment; or

3. It is 48-hours or less before an inmate's outside court appearance.

(h) Mandatory activities are scheduled for the inmate by the Department at the same time as a video visit. Mandatory activities include count, medical appointments, classification appointments, programming such as education, vocation, or substance use disorder treatment, or similar mandatory activities. If a video visit is scheduled at the same time as one of these activities or during an emergency that threatens the security or order of an institution, the approved visitor will be notified when the inmate does not join the video visitation session within five minutes, and the vendor will credit the approved visitor's account for the cost of the video visit.

(11) Monitoring.

(a) All video visits are subject to monitoring and recording. Video visits may be immediately terminated for any detected violation of state law, federal law, or Department rule. In addition, restrictions or suspensions may be issued that affect in-person visits whenever a violation related to video visitation is detected. If at any time the Department or the vendor is unable to monitor or record any video visitation session, all access to video visitation will immediately cease until the issue can be corrected.

(b) The vendor and Department staff will monitor all video visits to ensure compliance with this rule, including all video visitation conduct and content standards as set forth in subsection (12) of this rule.

(c) No expectation of privacy exists regarding an inmate's or approved visitor's use of the video visitation system. Video visitation must not be used to conduct private or confidential communications with attorneys, foreign consulates, or the courts.

(d) Each institution will ensure that inmates are notified that video visits are subject to monitoring and recording through the use of a sign posted on or beside each kiosk, or via an electronic pop-up window on the kiosk. Upon discovery, stolen or defaced signs will be promptly replaced.

(12) Inmates and approved visitors are subject to having video visitation sessions immediately terminated with no credit for the session, and having their video visitation privileges suspended under subsection (13) of this rule for violations of the following video visitation conduct and content standards:

(a) Proper Attire Standards.

1. An inmate must be appropriately dressed in his or her Class A uniform, with the inmate's state-issued I.D. card visible throughout the entire video visit.

2. All approved visitors must wear clothing that is in good condition (no excessive holes and rips).

3. Approved visitors must not wear shirts or clothing that exposes any part of the female breast, including spaghetti straps or strapless clothing.

4. Approved visitors must not wear sleeveless clothing, including tank tops, shirts, dresses, rompers, or similar clothing, if the clothing exposes the bra or the female breast through the sleeve opening.

5. Approved visitors must not wear clothing that reveals the midriff, including bras or sports bras (unless an appropriate garment is worn to cover the midriff), halter tops, crop tops, and tube tops.

6. Approved visitors must not wear dresses, skirts, shorts, or similar clothing with hems, slits, or splits that are less than three inches above mid-knee, or that go above mid-thigh when seated. No clothing that reveals the upper thighs, buttocks, or genitalia is

permitted.

7. Approved visitors must not wear tight-fitting, see-through, low-cut, short, provocative, or revealing clothing of any kind. Clothing made of spandex, see-through material, sheer material, or netting, bathing suits, and body suits are prohibited. See-through or sheer garments are permitted if appropriate clothing is worn underneath the see-through or sheer garment that covers the body in accordance with this rule.

8. Approved visitors must not wear pajamas or lingerie.

9. Approved visitors must wear appropriate undergarments at all times, including bras for females. Undergarments must not be visible.

10. Approved visitors must not wear clothing that has symbols, signs, pictures, or words that present a potential threat to the security or order of the institution, including gang symbols, racist pictures or comments, profanity, sexually explicit pictures or language, or similar material.

11. Any removal of clothing by an inmate or approved visitor will result in immediate termination of the video visit. An outer garment such as a jacket or sweater may be removed, provided the clothing under the outer garment complies with this rule.

12. An approved visitor who is nursing may breastfeed her child(ren) during a video visit. In the interests of safety and security, a nursing mother must cover her breast(s) with a blanket while nursing. The nipple of a mother's breast must not be uncovered or exposed at any time.

13. Nudity of any kind is not permitted. Children must be fully clothed at all times for their safety.

14. The inmate and approved visitor must be visually identifiable during a video visit, and their faces must not be covered or obscured. Religious headgear is permissible, but it must not interfere with the verification of a person's identity.

(b) The following are primary violations when they occur during a video visit:

1. Any criminal activity.

2. Any attempt to incite or participate in a riot, strike, mutinous act, or disturbance.

3. Possessing, introducing, attempting to introduce, conspiring, or otherwise agreeing to introduce contraband or illegal items into or onto the grounds of any Department institution or facility, or soliciting, commanding, encouraging, hiring, or requesting another person to engage in specific conduct that would constitute such offense or an attempt to commit such offense.

4. Using coercion, threats, or fraud to obtain money, favors, or anything of value.

5. Depicting actual or simulated sexual acts, or any intentional lewd or lascivious exhibition by intentionally masturbating, intentionally exposing genitals in a lewd or lascivious manner, or intentionally committing any other sexual act.

6. Committing or engaging in sexual misconduct (i.e., nudity, sexual acts with or without others, willful exposure of genitalia or the female breast, or soliciting sexual acts from others).

7. Any verbal or non-verbal lewd, obscene, or sexual behavior involving a minor.

8. Physical assault or attempted assault of a Department staff member or another inmate at a kiosk or while participating in a video visit.

9. Verbal abuse that evidences the intent or threatens to do harm to staff, inmates, or visitors.

10. Promoting animosity, hostility, and malice against a person or persons or against the property of a person, or persons because of race, religion, disability, sexual orientation, ethnicity, or national origin.

11. Disobeying a direct order from Department staff during or in relation to a video visit.

12. Acts of violence or display of weapons, including images of, statements regarding, or references to any kind of weapon.

13. Use or possession of drugs or drug paraphernalia.

14. Assisting, facilitating, aiding, or abetting an inmate to escape or attempt to escape.

15. Group video visits allowing more than one inmate or one approved visitor to participate in a video visit. An approved visitor may only video visit with the inmate with whom he or she is scheduled to video visit. If an individual unintentionally appears behind either party in the process of video visiting but does not participate in the video visit it does not constitute a group video visit.

16. Modifying, altering, circumventing, attempting to modify, attempting to alter, or attempting to circumvent any audio or video capabilities or security features of a kiosk, tablet, or video visitation system. This includes relaying, streaming, or re-broadcasting through any medium.

(c) The following are secondary violations when they occur during a video visit:

1. Failure to conform with the proper attire standards.

2. The approved visitor fails to position himself or herself in such a manner as to be video and audio monitored.

3. A minor participating in a video visit unaccompanied by an approved parent, legal guardian, or authorized adult.
 4. Participation in a video visit with an unauthorized or unscheduled person.
 5. Scheduling video visits for another inmate and allowing that inmate to converse with a party not on that inmate's AVR.
 6. The approved visitor or the inmate fails to conduct themselves in an orderly and respectable fashion or to remain seated throughout the entire video visit.
 7. Use of loud or hostile communication by an approved visitor or inmate.
 8. The approved visitor or inmate speaks in an unidentifiable code.
 9. The display of gang signs or symbols. However, the use of American Sign Language is permissible by both hearing impaired inmates and approved visitors.
 10. The inmate or approved visitor appearing to be intoxicated or under the influence of drugs or alcohol.
 11. The consumption of alcohol or the prominent display of an alcohol container (i.e., in the foreground of the video frame).
 12. Any disturbances or emotionally disruptive behavior.
 13. Any attempt to conduct or participating in an unauthorized a media interview. Media interviews must be authorized and conducted pursuant to the processes outlined in Chapter 33-104, F.A.C.
 14. Establishing or conducting a business enterprise, directly or indirectly.
 15. The recording of audio or video or the archival of a video visit in any form by anyone except for the Department or the vendor's recording and archiving system.
 16. Falsification of any visitor information, including user account information.
 17. Other factors related to the security, order, or effective management of the institution.
- (d) The Department is not responsible for repairing or maintaining kiosks damaged by inmate abuse or for providing video visitation to inmates or approved visitors if the vendor discontinues service for any reason.

(13) Violation of Standards – Penalties.

(a) Failure of an inmate or approved visitor to adhere to the provisions of any Department rule as it relates to video visitation will result in the suspension of video visitation privileges. The warden or designee will consider the following factors when determining whether to suspend video visitation privileges:

1. Whether continued video visitation privileges would present a threat to the safe and secure operation of the institution, or to the security and operational integrity of the video visiting process;
2. The severity of the conduct or offense(s) under consideration;
3. Whether an inmate's placement or pending placement into a special status such as close management, administrative confinement, disciplinary confinement, or maximum management would result in the appropriate video visitation restriction;
4. Whether the suspension of video visitation privileges would be a significant detriment to the inmate's successful reentry into society by hindering the maintenance of community and family ties.

(b) An inmate or approved visitor who violates any Department rule pertaining to the use of video visitation will have his or her video visitation privileges suspended by the warden or designee for a period not to exceed 180 days from the date of the infraction.

(c) The warden or designee may elevate a secondary violation to a primary violation based on the following factors:

1. The nature and circumstances of the violation(s) committed;
2. The inmate's or approved visitor's previous violation history; and
3. The frequency of violations.

(d) If an inmate or approved visitor commits a primary violation of any Department rule related to video visitation as noted in paragraph (12)(b) of this rule, he or she will be considered by the warden or designee for a one-year suspension of video visitation privileges. If a subsequent primary violation is committed within one year of the reinstatement of privileges, the inmate or approved visitor will be referred by the warden to the regional director for consideration of an indefinite suspension of video visitation privileges. Upon referral, the warden must submit a detailed recommendation to the regional director outlining the reasons for his or her recommendation. The recommendation and the regional director's decision will be recorded in the Department's electronic inmate database and the inmate or approved visitor will be notified accordingly.

(e) A suspension imposed under this subsection is independent of any suspension of privileges imposed under Rule 33-601.308, F.A.C. Suspension of an inmate's video visitation privileges is authorized as part of any disciplinary action when the evidence in a disciplinary report clearly indicates that the cited infraction occurred during the inmate's exercise or utilization of video visitation privileges.

(f) A suspension imposed under this subsection is to be served concurrent with any suspension of regular visitation privileges imposed under Rule 33-601.731, F.A.C.

(g) The reinstatement of indefinitely suspended video visitation privileges will only be considered by the regional director after two calendar years from the date of imposition of the suspension. Should the suspended individual be denied reinstatement, the individual must not make another request for six months from the last decision denying reinstatement.

(h) Inmates and approved visitors are responsible for their conduct and for any consequences thereof in connection with their use of the video visitation system.

(14) The warden is authorized to temporarily suspend the video visitation privileges of an inmate or approved visitor who is involved in or is the subject of an ongoing investigation pending the outcome of the investigation.

(15) The Secretary and Deputy Secretary have the authority to review and modify the video visitation privileges any inmate or approved visitor when it is determined that the modification will further an inmate's rehabilitation, ensure consistency with the Department's rules, enhance public safety, or ensure the security of a correctional institution.

(16) During an emergency or extended disruption of Department, regional, or institutional operations, the Secretary or Deputy Secretary may modify the access to any or all privileges authorized under this rule. Normal access will be restored as soon as a return to safe operations is permitted by the circumstances. A modification may be instituted for any of the following reasons:

(a) An imminent, a current, or the immediate aftermath of a disturbance, uprising, strike, or riot.

(b) Staffing limitations that pose a significant threat to the safety and security of inmates, staff, or the public.

(c) When an institution is locked down based on the scope and severity of the precipitating incident or event.

(d) During a declared emergency.

(e) Prior to, during, or in the immediate aftermath of a natural disaster.

(f) A medically-related incident that poses a significant health threat to inmates or staff.

(g) Any other extraordinary circumstance that poses a potential threat to the safety or security of the institution, the inmate population, staff, or the public.

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